

UNITED STATES DISTRICT COURT  
Eastern District of Washington

JUN 22 2007

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTONUNITED STATES OF AMERICA  
V.

Roberto Barrales Mendez

## JUDGMENT IN A CRIMINAL CASE

Case Number: 2:06CR00090-001

USM Number: 11579-085

Kimberly A. Deater

Defendant's Attorney



## THE DEFENDANT:

☒ pleaded guilty to count(s) 2, 3, 4, and 7 of the Superseding Indictment☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1951	Interference with Commerce by Robbery	06/15/06	2s,3,4s
18 U.S.C. § 924(c)(1)	Carrying and Brandishing a Firearm During and in Relation to a Crime of Violence	06/15/06	7s

The defendant is sentenced as provided in pages 2 through 77 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☒ Count(s) all remaining counts ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/11/2007

Date of Imposition of Judgment

Signature of Judge

The Honorable Fred L. Van Sickle

Judge, U.S. District Court

Name and Title of Judge

June 21, 2007

Date

DEFENDANT: Roberto Barrales Mendez  
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### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 147 month(s)

(63 months as to Counts 2,3 and 4 to run concurrently with each other, and a consecutive term of 84 months as to Count 7).

☒ The court makes the following recommendations to the Bureau of Prisons:

Credit for time served and that defendant be given the opportunity to be involved in any educational and/or vocational programs as well as any alcohol and substance abuse treatment programs that he may qualify for. Court will recommend that defendant's size and stature be taken into consideration. Court will also recommend placement at the BOP facility in Sheridan, Oregon.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Roberto Barrales Mendez

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**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 year(s)

(3 years as to Counts 2, 3 and 4 and 5 years to run concurrent as to Count 7)

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 06/05) Judgment in a Criminal Case  
Sheet 3C — Supervised Release

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### **SPECIAL CONDITIONS OF SUPERVISION**

14. You are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry.
15. Defendant shall contribute on a monthly basis not less than 10% of his net household income while on supervision to any unpaid portion of the criminal monetary penalties imposed. The United States Probation Office may petition the Court on Defendant's behalf to modify this condition if it presents an undue financial hardship.

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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$400.00	\$0.00	\$10,655.47

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Estudillo's Market	\$2,500.00	\$2,500.00	
Lep-Re-Kon	\$1,159.98	\$1,159.98	
Desert Aire Shell	\$650.00	\$650.00	
Grocer's Insurance	\$6,345.49	\$6,345.49	

<b>TOTALS</b>	\$ <u>10,655.47</u>	\$ <u>10,655.47</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or
- ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Defendant shall participate in the IFRP. Defendant shall contribute not less than \$25.00 per quarter while incarcerated. While on supervised release, any remaining balance would be payable on a monthly basis at a rate of not less than 10 percent of defendant's net household income, commencing 30 days after release. Criminal monetary payments shall be made payable to the Clerk of the U.S. District Court, Attention: Finance, P.O. Box 1493, Spokane, WA 99210-1493. Court directs cash found in defendant's residence in the amount of \$3,225.00 be paid towards restitution and that defendant receive credit for this amount.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ **Joint and Several**

Case Numbers (including defendant number) and Defendant and Co-Defendant Names, Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

2:06CR00090-003 -- Miguel Mendoza	\$2,500.00	\$2,500.00	Estudillo's Market
2:06CR00090-002 -- Martinez-Abundez	\$2,500.00	\$2,500.00	Estudillo's Market
2:06CR00090-002 -- Martinez-Abundez	\$1,159.98	\$1,159.98	Lep-Re-Kon

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

- 1) Beretta .22 caliber pistol, model 21A-22, serial number 43986U
- 2) Crvena Zastava, 7.65 mm, model 70, serial number 338929, 200 rounds of Federal .22 ammunition, and seven rounds of Remington 32 ACP ammunition.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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Sheet 6A — Schedule of Payments

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**ADDITIONAL DEFENDANTS AND CO-DEFENDANTS HELD JOINT AND SEVERAL**

<b>Case Number Defendant and Co-Defendant Names (including defendant number)</b>	<b><u>Total Amount</u></b>	<b><u>Joint and Several Amount</u></b>	<b><u>Corresponding Payee, If appropriate</u></b>
2:06CR00090-002 -- Martinez-Abundez	\$650.00	\$650.00	Desert Aire Shell Station
2:06CR00105-001 -- Noe Tapi	\$650.00	\$650.00	Desert Aire Shell Station
2:06CR00090-002 -- Martinez-Abundez	\$6,345.49	\$6,345.49	Grocer's Insurance